



(DPM)

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UNDER 37 CFR 1.8(a)**

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01 September 2005
HUESCHEN AND SAGE

Michelle M. C.
Dated: 01 September 2005

SERVIER 409

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Applicant : Lucile VAYSSE-LUDOT, Jean-Pierre LECOUVE, and Pascal LANGLOIS

Serial No. : 10/669,302

Filed : September 24, 2003

Title : PROCESS FOR THE INDUSTRIAL SYNTHESIS OF TETRAESTERS OF 5-[BIS(CARBOXYMETHYL)AMINO]-3-CARBOXYMETHYL-4-CYANO-2-THIOPHENECARBOXYLIC ACID, AND APPLICATION TO THE SYNTHESIS OF BIVALENT SALTS OF RANELIC ACID AND THEIR HYDRATES

Art Unit : 1626

Examiner : Deborah C. LAMBKIN, Esq.

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Honorable Commissioner for Patents
PO Box 1450
Alexandria, VA 22313

RESPONSE AND ELECTION UNDER 37 CFR §§ 1.111 AND 1.142

Sir:

Responsive to the Office Action, a Restriction Requirement, dated August 17, 2005, it is the position of the Office that the application pertains to a plurality of patentably

distinct inventions. The Office notes that the inventions of **Group I** and **Group II** are related as a process of making and product made. It is the position of the Office, however, that the inventions are distinct because the claimed product may be made by another materially different process. The applicants *traverse* this conclusion on the grounds that the disclosure demonstrates the criticality of the instant process with respect to yield and purity of the resulting product. Absent contradictory evidence that those skilled in the art would find the instant invention to consist of multiple inventions, it is submitted that the Office Requirement is not substantiated.

Nonetheless, in an effort to advance the prosecution of the instant application, the Applicants elect *with traverse* to prosecute the invention of **Group I**, (Claims 15-24 and 27-28) drawn to processes, of the Restriction Requirement.

Absent a favorable decision upon reconsideration of the Restriction Requirement, the Examiner may withdraw the non-elected subject matter, without prejudice to its rejoinder during later examination and/or prosecution in a Divisional Application.

Accordingly, entry of the present Election into the record of this application and favorable action on the merits thereof, are respectfully solicited.

Respectfully submitted,
THE FIRM OF HUESCHEN AND SAGE

By: 
G. PATRICK SAGE

Dated: September 1, 2005
Customer No.: 25,666
Seventh Floor, Kalamazoo Building
107 West Michigan Avenue
Kalamazoo, MI 49007
(269) 382-0030



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